

## REMARKS/ARGUMENTS

Claims 1-24 remain pending in this application. The Applicant hereby requests further examination and reconsideration of the application in view of these remarks.

### Allowable Subject Matter

In the August 16, 2011, Office Action, the Examiner indicated that claims 7-10 and 21-24 are objected to but directed to allowable subject matter and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### Prior-Art Rejections

In the August 16, 2011, Office Action, the Examiner rejected claims 1-6 and 11-20 under 35 U.S.C. 102(e) as anticipated by U.S. Pat. No. 7,324,552 to Galand et al. ("Galand"). For the following reasons, the Applicant submits that all of the pending claims are allowable over the cited references.

### Claims 1 and 17

In rejecting claim 1, the Examiner asserted that Galand teaches all the elements of that claim, including having a network data structure that "comprises, for each link in the network and each node and each other link in the network, a representation of a minimum amount of protection bandwidth required to be reserved on said each link to restore service upon failure of said each node or other link" (emphasis added). The Applicant submits that Galand does not teach this feature of claim 1.

The Examiner specifically cited Galand at Fig. 3, col. 12, lines 17-50, and col. 14, lines 38-58, as allegedly teaching the above-quoted feature of claim 1. Fig. 3 of Galand shows a topology database structure, which includes a table of network nodes and a separate table of network links. The link properties included in the link table are described in col. 8, lines 11-29, where various properties for a particular link are included. However, not one property therein can be described as a representation of a minimum amount of protection bandwidth required to be reserved on the particular link to restore service upon failure of each node or other link.

The other sections of Galand cited by the Examiner discuss, respectively, calculating equivalent capacity for a link and a path selection algorithm. Neither section teaches the claimed network data structure. Furthermore, Galand teaches nothing about restoration or protection bandwidth and does not even mention either term. In addition, Galand's only mention of the term "failure" is to note that one network control function is updating the topology database of the nodes with link/node failures (*see*, Galand at col. 7, lines 46-47). Consequently, it cannot be said that Galand teaches the above-quoted feature of claim 1 – in contravention of the requirements of MPEP §2131 for a proper rejection.

For similar reasons to those noted above, it also cannot be said that Galand teaches claim 1's steps of (a) "determining, using the network and service data structures, whether the new service requires additional protection bandwidth to be reserved on any link in the network," and (b) "updating the network data structure if any additional protection bandwidth is determined to be required for the new service." This also contravenes the requirements of MPEP §2131 for a proper rejection.

In view of the foregoing, the Applicant submits that the rejection of claim 1 is improper and should be withdrawn. Therefore, the Applicant further submits that claim 1 is allowable over the cited references. For similar reasons, the Applicant submits that claim 17 is also allowable over the cited references. Since claims 2-16 and 21-24 depend variously from claim 1, and claims 18-20 depend variously from claim 17, it is further submitted that those claims are also allowable over the cited references.

#### Claim 6

In rejecting claim 6, the Examiner asserted that Galand teaches all the elements of claim 6, including "determining a restoration path for the new service in the network using the network data structure." The Applicant submits that Galand does not teach this feature.

The Examiner specifically cited Galand at col. 7, lines 40-48, as allegedly teaching this feature. The cited section discusses Galand's control spanning tree, which is used for establishing and maintaining a routing tree among the network nodes. Although the cited section mentions the term "failure," as noted above in reference to claim 1, neither the cited section, nor any other section of Galand, teaches anything about restoration (or protection) paths.

Consequently, it cannot be said that Galand teaches all the features of claim 6 – in contravention of the requirements of MPEP §2131 for a proper rejection.

The Applicant submits that the above reasons provide further grounds for the allowability of claim 6 over Galand.

#### Claims 12 and 16

The Applicant notes that, while the Examiner asserted that claim 12 recites “an incremental version of the network data structure” (emphasis added), claim 12 actually recites “a compact version of the network data structure” (emphasis added). Similarly, while the Examiner asserted that claim 16 recites “a compact version of the network data structure” (emphasis added), claim 16 actually recites “an incremental version of the network data structure” (emphasis added). The Applicant will regard the rejections as directed at the presumably intended elements.

#### *Claim 12*

The Examiner specifically cited Galand at col. 7, line 60 – col. 8, line 29, as allegedly teaching a compact version of the network data structure.” The cited section includes a description of Galand’s topology database. However, nothing in the cited section discloses a compact version of network data structure. In addition, neither the cited section, nor any other section of Galand, even mentions the term “compact.” As a result, it cannot be said that Galand teaches all the features of claim 12 – in contravention of the requirements of MPEP §2131 for a proper rejection.

#### *Claim 16*

The Examiner specifically cited Galand at col. 8, lines 57-64, as allegedly teaching the feature of an incremental version of the network data structure. The cited section discloses saving resources by reserving an equivalent capacity rather than a requested capacity. However, nothing in the cited section discloses an incremental version of a network data structure. In addition, neither the cited section, nor any other section of Galand, even mentions the term “incremental.” As a result, it cannot be said that Galand teaches all the features of claim 12 – in contravention of the requirements of MPEP §2131 for a proper rejection.

### *Conclusion*

Therefore, the Applicant submits that the above provides further grounds for the allowability of claims 12 and 16, respectively, over Galand. Since claims 13-15 depend from claim 12, it is further submitted that this also provide further grounds for the allowability of those claims over Galand.

### Conclusion

In view of the above remarks, the Applicant believes that the pending claims are in condition for allowance. Therefore, the Applicant believes that the entire application is now in condition for allowance, and early and favorable action is respectfully solicited.

### Fees

During the pendency of this application, the Commissioner for Patents is hereby authorized to charge payment of any filing fees for presentation of extra claims under 37 CFR 1.16 and any patent application processing fees under 37 CFR 1.17 or credit any overpayment to **Mendelsohn, Drucker, & Associates, P.C. Deposit Account No. 50-0782.**

The Commissioner for Patents is hereby authorized to treat any concurrent or future reply, requiring a petition for extension of time under 37 CFR § 1.136 for its timely submission, as incorporating a petition for extension of time for the appropriate length of time if not submitted with the reply.

Respectfully submitted,

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